

COCP NO. 1224 OF 2006

* * *

PRESENT: Mr. V.K.Sandhir, Advocate for the Petitioner
Mr.R.V.S Chug, Advocate for respondent Nos. 1
to 9

* * *

As per the office report, respondent Nos. 1 to 9 have been served whereas respondent No.10 could not be served as no such person was found posted at the given address.

As requested by the learned counsel for respondent Nos. 1 to 9, adjourned to 19.2.2007.

Meanwhile, reply, if any, be filed.

Learned counsel for the petitioner undertakes to furnish correct address of respondent No. 10 along with process fee within one week and thereafter notice be issued to the said respondent for the date fixed.

December 05, 2006

**(Surya Kant)
Judge**

arya

COCN NO. 669 OF 2006

* * *

PRESENT: Mr.Puneet Jindal, Advocate for the petitioner
Mr.A.S.Gill, Advocate for the respondents

* * *

Reply on behalf of respondent Nos. 1 to 3 filed in Court
has been taken on record.

As requested by the learned counsel for the petitioner,
adjourned to 19.2.2007.

December 05, 2006

**(Surya Kant)
Judge**

arya

COCP NO. 1383 OF 2005

* * *

PRESENT: Mr.B.S.Saini, Advocate for the Petitioner
Mr. K.S.Kahlon, Advocate for respondent Nos. 1
to 4

* * *

Reply has not been filed on behalf of the respondent.

As requested by the learned counsel for the respondent,
last opportunity is granted to file the reply.

Adjourned to 22.2.2007.

December 05, 2006

(Surya Kant)
Judge

arya

COCP NO. 1350 OF 2005

*** * ***

PRESENT: Mr.N.D.Achint, Advocate for the Petitioner
Mr. Ashok Verma Advocate for the respondent
*** * ***

As requested by the learned counsel for the petitioner,
adjourned to 26.2.2007.

December 05, 2006

**(Surya Kant)
Judge**

arya

COC P NO. 1134 OF 2005

* * *

PRESENT: Mr.A.S.Jattana, Advocate for the petitioner

* * *

As per the Office report, respondent Nos. 1 and 2 could not be served as they have been transferred whereas respondent No.3 has died. The name of respondent No.3 is directed to be deleted from the array of the respondents.

Learned counsel for the petitioner may furnish correct address of respondent Nos. 1 and 2 within two weeks and thereafter, fresh notice be issued to them for 22.2.2007.

December 05, 2006

**(Surya Kant)
Judge**

arya

C.R. NO. 3037 OF 2004

* * *

PRESENT: Mr.Vinod S.Bhardwaj, Advocate for the petitioner

* * *

Admitted.

Interim order to continue.

To be listed for final hearing within one year.

December 05, 2006

**(Surya Kant)
Judge**

arya

Crl.Misc. NO. 61446-M OF 2006

* * *

PRESENT: Mr.Rahul Rathore, Advocate for the Petitioner
Mr.R.D.Sharma, DAG Haryana.
Mr.G.C. Shahpuri, Advocate for the complainant.

* * *

With a view to enable the learned counsel for the parties
to address this Court in the light of the latest judgment of the Hon'ble
Supreme Court, adjourned to 21.12.2007.

December 05, 2006

**(Surya Kant)
Judge**

arya

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

C.O.C.P. No. 511 of 2006
Date of Decision: 5.12.2006

Surjit Singh

.....Petitioner

Versus

D.P.S.Kharbanda

.....Respondent

Coram: Hon'ble Mr.Justice Surya Kant

Present: Mr.Rajinder Sharma,Advocate,for the petitioner.
Mr.Sandeep Khunger,Advocate,for the respondent
* * *

Surya Kant, J.

Reply-affidavit filed on behalf of respondent is taken on record.

It is not disputed by the learned counsel for the respondent that the order dated 24.10.2005 passed by this Court has been complied with.

In this view of the matter, no further action is required to be taken up in this case which is, accordingly, disposed of.

Rule is discharged.

(Surya Kant)
Judge

December 05,2006
arya

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

C.O.C.P. No. 299 of 2006
Date of Decision: 5.12.2006

Anil Kumar Chopra

.....Petitioner

Versus

Mohinder Parkash Chopra

.....Respondent

Coram: Hon'ble Mr.Justice Surya Kant

Present: Mr.Ashok Bector,Advocate,for the petitioner.
Mr.Tribhuvan Singla,Advocate,for the respondent
* * *

Surya Kant,J.

This contempt petition has been filed, inter-alia, alleging wilful breach of interim order dated 24.1.2005 passed by this Court in Civil Revision No. 480 of 2005 whereby status quo regarding possession was directed to be maintained.

It is not disputed that the aforesaid revision petition has now been finally disposed of vide order dated 20.4.2006 with a direction that the parties to the suit shall maintain status quo with regard to possession of the house in dispute.

The petitioner is none-else than son of the respondent. It is not in dispute that one of the vacant shop which is a part and parcel of the subject property, has been rented out by the respondent in order to earn livelihood. The respondent is stated to be an old person of 84 years of age.

After hearing learned counsel for the parties and having regard to the age of the respondent and the nature of relationship between the parties and keeping in view the fact that the respondent has rented out

the shop to sustain himself, this contempt petition is disposed of with a direction to the Deputy Commissioner-cum-Collector, Barnala and Sub Registrar, Barnala that no document/deed or any other instrument of any kind, in respect of the property in question, shall be registered at the instance of the respondent and no encumbrance of any type upon the house in dispute shall be permitted to be created. Necessary entries to this effect are directed to be made in the municipal/official records pertaining to the property in dispute. It is made clear that in the event of non-compliance of the above directions, the Officers, referred to above, shall be personally responsible along with respondent.

The aforesaid direction shall, however, continue to operate till the controversy with regard to the nature and/or ownership of the property in dispute is decided by the learned Civil Court.

Rule discharged.

Let a copy of this order be handed over to Sh.G.S.Cheema, learned Sr. DAG Punjab for information and necessary action at the hands of the authorities concerned.

(Surya Kant)
Judge

December 05,2006
arya

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

C.O.C.P. No. 265 of 2006
Date of Decision: 5.12.2006

Ishwar Singh

.....Petitioner

Versus

Bhaskar Chatterjee & others

.....Respondents

Coram: Hon'ble Mr.Justice Surya Kant

Present: Mr.I.S.Gujral,Advocate,for the petitioner.
Mr.R.D.Sharma, AAG Haryana

**** * ****

Surya Kant,J.

After hearing the learned counsel for the parties and keeping in view the fact that in compliance to the order dated October 6, 2005 passed by this Court in CWP No. 16134 of 2005, a speaking order dated 11.10.2006 (Annexure R1) has been passed, this petition is disposed of with liberty to the petitioner to impugn the said order before appropriate forum, if so advised.

(Surya Kant)
Judge

Decemter 05, 2006
arya

COCF NO. 921 OF 2005

* * *

PRESENT: Mr.Harsh Bunder, Advocate for the petitioner
Mr.G.S.Cheema, Sr. DAG Punjab

* * *

In reference to order dated 9.10.2006, learned counsel for the petitioner fairly states that the civil suit filed by the petitioner has already been dismissed for non-prosecution.

In this view of the matter, I do not deem it appropriate to continue with the contempt proceedings which are accordingly dropped.

Rule discharged.

December 05, 2006

**(Surya Kant)
Judge**

arya

COCN NO. 842 OF 2006

* * *

PRESENT: Ms.Moninder Kaur, Advocate for the Petitioners
Mr. G.S.Cheema, Sr.DAG Punjab

* * *

There is again request for adjournment by the learned
State Counsel, for filing reply.

In the interest of justice, and as a last opportunity,
adjourned to 16.1.2007.

It is made clear that in case the directions issued by this
are not complied with before the adjourned date, the respondent shall
remain present in Court to pay exemplary costs from their own pocket.

December 05, 2006

**(Surya Kant)
Judge**

arya

COC P NO. 1018 OF 2006

* * *

PRESENT: Mr.Mohd. Yusuf, Advocate for the Petitioner
Mr.G.S.Cheema, Sr.DAG Punjab

* * *

Reply filed by respondent No.3 is taken on record.

Having regard to the reply and letter dated 30.11.2006 purported to have been written by the petitioner (Annexure R 3/3T), it appears that the petitioner is not keen to join as Guest Faculty Lecturer in Government College, Nabha (Patiala) for the reasons that he has got a better alternative employment,

In this view of the matter, this petition is disposed of as having become infructuous with liberty to the petitioner to get the same revived, if so required or advised.

December 05, 2006

**(Surya Kant)
Judge**

arya

COCN NO. 255 OF 2006

* * *

PRESENT: Mr.R.K. Malik, Advocate for the Petitioner
Mr. A.S.Virk, Advocate for the respondents.

* * *

After arguing the case for some time, learned counsel for the respondents seeks a short adjournment to comply with the directions issued by this Court, however, subject to the final outcome of the Special Leave petition filed in the Hon'ble Supreme Court.

Adjourned to 22.1.2007.

December 05, 2006

(Surya Kant)
Judge

arya

COCP NO. 1520 OF 2006

* * *

PRESENT: Mr.A.P.Singh Luna, Advocate for the Petitioner
Mr. Ashok Rawat, Advocate for
Mr.Anupam Gupta, Advocate

* * *

In response to the show cause notice, learned counsel for the respondent has handed over a photo copy of the result notification dated 7.11.2006 which is taken on record.

In this view of the matter and direction issued by this Court having been complied with, no further action is required to be taken in this petition.

Disposed of.

Rule discharged.

(Surya Kant)
Judge

December 05, 2006

arya

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

C.O.C.P. No. 1515 of 2005
Date of Decision: 5.12.2006

Kanwar Balu Singh & others

.....Petitioner

Versus

Shri Shri Prem Parshant and others

..... Respondents

Coram: Hon'ble Mr. Justice Surya Kant

Present: Mr. Vikas Jain, Advocate, for the petitioners.
Mr. R.D. Sharma, AAG Haryana
* * *

Surya Kant, J.

It is stated that the order passed by this Court has since been complied with by passing an order Annexure R.1 dated 17.6.2006.

In this view of the matter, no further action is required to be taken in this petition.

Disposed of.

Rule discharged.

(Surya Kant)
Judge

December 05, 2006
arya

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Civil Revision. No. 6 of 2005

Date of Decision: 5.12.2006

S.K.Kaushal

.....Petitioner

Versus

V.K.Kaushal & others

.....Respondents

Coram: Hon'ble Mr.Justice Surya Kant

Present: Mr. S.K.Kaushal, petitioner in person.
Mr.Arun Palli,Advocate,for the respondents

**** * ****

Surya Kant,J.

This revision petition is directed against the order dated 17.9.2004 passed by the learned Civil Judge (Senior Division), Jagadhri whereby, an application under Order 6 Rule 17 of the Code of Civil Procedure moved by the petitioner-plaintiff for amendment of the suit, has been dismissed.

The petitioner has filed a suit for declaration and joint possession to the effect that he has 9/40th share in the disputed property. By way of above stated application, he wanted to amend the suit in order to seek alleged consequential relief of possession by way of partition of the subject property.

The above stated application has been dismissed by the learned Civil Court after observing that if the amendment is allowed, it will completely change the nature of the suit.

Aggrieved, the plaintiff-petitioner has preferred this revision petition.

I have heard the petitioner in person and Sh.Arun Palli, learned counsel for the contesting respondents at length and perused the impugned order.

One of the primary contention raised by the petitioner is that in order to avoid multiplicity of litigation, the proposed amendment ought to have been allowed by the learned trial Court, more so when the respondents are likely to dispose of the subject property thereby preempting the petitioner from seeking effective relief of actual physical possession by way of partition, if he succeeds in the present suit.

Having regard to the nature of amendment sought by the petitioner in a suit which is pending since the year 1994, I am of the view that no exception can be made to the views taken by the learned trial Court. Undoubtedly, the proposed amendment would change the nature of the suit. As regard the apprehension expressed by the petitioner that the respondents by alienating the subject property may frustrate the nature of relief which he ultimately desires to seek, there appears to be some substance in the said contention for the reason that if the subject property is alienated and third party rights are created, it will complicate the issues and might cause avoidable delay in adjudication of the ongoing litigation.

Consequently, without interfering in the impugned order dated 17.9.2004, this revision petition is disposed of with a direction that till the final decision of the civil suit, the respondents shall not alienate the subject property and/or a part thereof without seeking prior approval of the learned Civil Court. As and when an application is moved by them for such permission, the learned trial Court is directed to give an advance notice to

the petitioner and thereafter only appropriate orders shall be passed.

With these directions, the revision petition is disposed
of.

(Surya Kant)
Judge

December 05,2006
arya

COCP NO. 777 OF 2006

* * *

PRESENT: Mr. N.R.Dahiya, Advocate for the Petitioner
Mr.R.N. Lohan, Advocate for the respondents

* * *

It is stated by the learned counsel for the parties that unfortunate matrimonial dispute have since been amicably settled and pursuant thereto, the petitioner is not interested to pursue this petition.

Dismissed as withdrawn.

Rule is discharged.

(Surya Kant)
Judge

December 05, 2006

arya

COCN NO.256 OF 2006

* * *

PRESENT:

Mr. R.S.Bajaj, Advocate for the Petitioners

Mr. Parminder Singh, Advocate for respondent

Nos. 1 to 5.

* * *

Reply filed on behalf of respondent Nos. 1 to 5 is taken
on record.

Adjourned to 15.2.2007 for arguments.

December 05, 2006

**(Surya Kant)
Judge**

arya

COCP NO. 1155 OF 2006

* * *

PRESENT: Mr. Karnvir Singh, Advocate for the Petitioner
Mr.R. D. Sharma, DAG Haryana.
Mr.Deepak Sharma, Advocate for
respondent No.2

* * *

In deference to order dated 31.10.2006, learned counsel for respondent No.2 has handed over the cheque bearing No. 393824 dated 5.12.2006 in the sum of Rs. 58940/- towards arrears of pay to the petitioner.

Learned counsel for the State has filed a short reply by way of affidavit of Mr. K.K.Khandelwal, IAS which is taken on record. Along with the said affidavit, a copy of order dated 26.10.2006 has been appended whereby some adverse decision appears to have been taken against the petitioner.

In this view of the matter and having regard to the fact that arrears of salary have been paid to the petitioner, this petition is disposed of with liberty to the petitioner to impugn the order dated 26.10.2006 before an appropriate forum, if so advised.

Rule discharged.

(Surya Kant)
Judge

December 05, 2006

arya

COCP NO. 618 OF 2006

* * *

PRESENT: Mr.Sanjiv Gupta, Advocate for the Petitioner
Mr.R.D.Sharma, AAG Haryana.

* * *

Reply filed on behalf of respondent is taken on record.

It is stated that the next meeting of the Board of Administrator is now fixed for 5.12.2006.

Learned counsel for the petitioner undertakes that the petitioner shall appear for personal hearing before the Appellate Authority on the said date.

In view of above, if petitioner appears, let the appeal be decided by the Board of Director on the date fixed. However, in no circumstances, the decision on the appeal shall be deferred beyond 31.12.2006.

With these observations, this petition is disposed of.

Rule discharged.

(Surya Kant)
Judge

December 05, 2006

arya

COCN NO. 261 OF 2006

*** * ***

PRESENT: Mr.Ramesh Sharma, Advocate for the petitioner
 Mr.P.N. Makani, Advocate, for respondent No.3

*** * ***

As per the Office report, respondent Nos. 1 and 3 have been served whereas respondent No. 2 has been transferred.

Respondent No. 1 is, however, neither present in person nor is represented by any one despite service. Let bailable warrants in the sum of Rs. 5000/- with one surety of the like amount be issued through CJM Gurdaspur to secure the presence of respondent No.1 on the date fixed.

Let correct address of respondent No.2 be given and thereafter notice be issued to him for 12.2.2007.

December 05, 2006

**(Surya Kant)
Judge**

arya

COCN NO. 1514 OF 2005

* * *

PRESENT: Mr.Arvinde Singh, Advocate for the petitioner
Mr.P.S.Ranu, Advocate for respondent No.1
* * *

As requested on behalf of the learned counsel for the
petitioner, adjourned to 22.2.2007.

December 05, 2006

**(Surya Kant)
Judge**

arya

COCN NO. 1252 OF 2005

* * *

PRESENT: Mr.Navrattan Singh, Advocate for the petitioner
Mr.Surinder Singh,Advocate for the respondent

* * *

As requested on behalf of the petitioner, adjourned to

20.2.2007.

December 05, 2006

(Surya Kant)
Judge

arya